

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------|---|------------|
| GREG A. CARLSON, |) | |
| |) | 4:05CV3012 |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| HAROLD W. CLARKE, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on filing no. 9, the Motion to Substitute, filed by the respondent. The named respondent requests the substitution of Robert Houston, Director of the Nebraska Department of Correctional Services ("DCS"), as the only respondent in this action, pointing out that the petitioner, regardless of his place of incarceration, has at all times been in the custody of the DCS.

The petitioner did not err in naming Harold W. Clarke, the previous director of the Nebraska Department of Correctional Services as the respondent in this habeas corpus case. Nevertheless, the petitioner will suffer no prejudice from the requested substitution. Therefore, filing no. 9, the motion for substitution of respondent, is granted. The Clerk of Court shall update the court's records to reflect the substitution of Robert Houston as the sole respondent in this action.

SO ORDERED.

DATED this 18th day of April, 2005.

BY THE COURT:

s/F.A. GOSSETT
United States Magistrate Judge